IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1646 OF 2007

Kusumben Jayesh Prajapati... Petitioner.
Versus
Union of India & Ors. .... Respondents.

Ms. Madhavi Tavanandi for the Petitioner.
Mr. K.R.Chaudhari with Mr. R. C. Master for Respondent Nos.1 to 3.
Mr. K.R.Belosey, Off.Government Pleader for Respondent No.4.

CORAM : SWATANTER KUMAR, C.J. &
SMT.RANJANA DESAI, J.

DATED : 24TH AUGUST, 2007.

P.C.:

We have heard the learned Counsel appearing for the parties.

2. The prayer in the present writ petition is for direction against respondent no.2 requiring them to release / return the passport bearing No. F 1611943 to the petitioner. Obviously, the petitioner claims to be the holder of the said passport. According to her, the same was taken by the Authority concerned and the same has not been returned despite the repeated requests.

3. A contention raised in the writ petition was that the petitioner is entitled to receive back the

passport and the respondent has no jurisdiction to cancel or revoke the passport issued in favour of the petitioner without following due process of law. It is further stated that without complying with the provisions of the Passports Act as also the rules of natural justice the order even in an administrative proceeding cannot be passed which adversely affects the rights of a person who is a holder of the legally issued passport.

4. On the other hand, learned Counsel appearing for the respondent nos.1 to 3 submitted that vide their letters dated 7th April, 2000 and 19th July, 2000 they have passed an order as contemplated under Section 10(3)(f) of the Passports Act, 1967. It appears from both these letters that the petitioner was never called upon to explain the conduct. Vide letter dated 7th April, 2000 the petitioner was required to appear in person before the Public Relations Officer (Pool-I) within fifteen days. This letter was replied to by the petitioner vide letter dated 23rd April, 2000. The plea of the respondents is that the passport was temporarily revoked. In the reply, it was further stated that she has not permitted anybody else to use the passport. However, despite this reply the order dated 19th July, 2000 was passed stating that the passport had been revoked in accordance with the

provisions of the Act.

5. It needs to be noted at the very outset that the impugned order gives no reason whatsoever for revoking the passport. According to the respondents, the reasons are recorded on the file. This can hardly stand to any reason. The reason for revocation of the passport of the petitioner ought to be communicated to the petitioner so as to enable the petitioner to take an adequate legal remedy of statutory appeal provided under the provisions of the Act. Non-providing of reasons would obviously cause prejudice to the rights of the petitioner as the petitioner would not be in a position to attack the impugned order which certainly violates the basic rule of law. In our opinion, it was obligatory upon the Authority concerned to provide reasons for revocation of the passport to make remedy provided under the statute effective and useful to the petitioner. We may also add here that this non-providing of reasons to the petitioner would render the order to suffer from element of non-application of mind and would be violative of basic rule of law.

6. Therefore, we set aside the order dated 19th July, 2000 with liberty to the respondents to pass an order afresh and provide reasonings recorded by them for the

purpose of revoking the passport of the petitioner to the petitioner within two weeks from today. The petitioner would be entitled to prefer an appeal against the said order in accordance with law.

7. The writ petition is disposed of with the above directions.

Sd/-

CHIEF JUSTICE

Sd/-

SMT.RANJANA DESAI, J.